

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

JAMITCHELL TYLINE OWENS, :
Plaintiff, :
Vs. :
CITY OF FORSYTH, GEORGIA, :
a municipality, and CITY OF FORSYTH :
POLICE DEPARTMENT, a department :
of CITY OF FORSYTH, GEORGIA, :
Defendants. :
: CIVIL RIGHTS COMPLAINT
(42 U.S.C. § 1983)
: CIVIL ACTION NO.:
_____ :
: JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, JAMITCHELL TYLINE OWENS and brings his Complaint against Defendants CITY OF FORSYTH, GEORGIA, a municipality, and CITY OF FORSYTH POLICE DEPARTMENT, a department of the City of Forsyth, showing this Honorable Court the following in support thereof:

A. JURISDICTION

1. Jurisdiction is proper in this Court as this action arises under 42 U.S.C. § 1983.
2. Plaintiff is a resident of the State of Georgia and resides in Monroe County and may be served with notices at the address and email address of the undersigned.
3. Defendant City of Forsyth, Georgia is a municipality located in Monroe County, Georgia, and may be served via service upon the Forsyth City Clerk at 26 North Jackson Street, Forsyth, Georgia, 31029.

4. Defendant City of Forsyth Police Department is a department of Defendant City of Forsyth, Georgia, is located in Monroe County, Georgia, and may be served via service upon the Forsyth City Clerk at 26 North Jackson Street, Forsyth, Georgia, 31029.

B. NATURE OF CASE

1. This is a Civil Rights action brought pursuant to 42 U.S.C. § 1983 to seek redress from Defendants for violating Plaintiff's rights against unreasonable seizure and excessive force as guaranteed by 4th Amendment to the Constitution of the United States and for redress for physical and emotional trauma caused by same.

C. CAUSE OF ACTION

1. On or about January 12, 2013, part-time City of Forsyth Police Officer Timothy Melton illegally and unreasonably seized, detained and arrested Plaintiff.
2. While illegally and unreasonably seizing, detaining and arresting Plaintiff, City of Forsyth Police Officer Timothy Melton was at all times acting under color of State law, as an employee of Defendant, pursuant to the policy and/or customs of the City of Forsyth Police Department.
3. City of Forsyth Police Officer Timothy Melton used excessive force in illegally and unreasonably seizing, detaining and arresting Plaintiff and such actions were the proximate cause of physical and emotional injuries to Plaintiff.

4. Specifically, City of Forsyth Police Officer Timothy Melton choked Plaintiff in an excessive and violent manner.
5. Plaintiff's father, Jimmy Owens, filed a Complaint with the City of Forsyth Police Department which was ultimately deemed "founded" and wherein it was determined that Officer Melton used "excessive force."
6. A third-party investigation into this incident by City of Macon Police Department concluded that Officer Timothy Melton had used "excessive force."
7. Defendants failed to properly train City of Forsyth Police Officer Timothy Melton and to properly outfit him with proper equipment so he would have had alternatives to using such "excessive force" and City of Forsyth Police Officer Timothy Melton was acting pursuant to the customs of the Forsyth Police Department.
8. Plaintiff suffered serious physical and emotional trauma due to City of Forsyth Police Officer Timothy Melton's actions.
9. City of Forsyth Police Officer Timothy Melton was ultimately terminated by Defendants for his actions in the stop, detention and arrest of Plaintiff.
10. All of the crimes City of Forsyth Police Officer Timothy Melton "arrested" Plaintiff for were summarily dismissed by the prosecutor.

11. Plaintiff notified Defendants, in writing, of the claims against them but Defendants ignored Plaintiff and failed to even give Plaintiff the courtesy of a response.

D. INJURY

1. As a direct and proximate cause of being excessively and violently choked by City of Forsyth Police Officer Timothy Melton during his illegal stop, detention and arrest, Plaintiff suffered physical trauma and emotional trauma that affects his life today.
2. Specifically, City of Forsyth Police Officer Timothy Melton choked Plaintiff so violently that Plaintiff suffered a subconjunctival hemorrhage which required medical treatment.
3. Plaintiff also had pain from being wrestled to the ground and man-handled by City of Forsyth Timothy Melton which necessitated a prescription for pain medication.
4. Plaintiff suffered, and continues to suffer, emotional damage caused by City of Forsyth Police Officer Timothy Melton in his illegally and excessive use of force.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Plaintiff has not filed any other lawsuits against Defendants in state or federal court that deal with the same facts that are involved in this action.

2. Plaintiff has not sought any administrative relief, aside from notifying Defendants of his potential claims and attempting to settle same without the necessity of judicial intervention.

F. REQUEST FOR RELIEF

1. Plaintiff is entitled to monetary damages in the amount of **\$2,250,000.00**, plus an award of reasonable attorney's fees incurred in the filing and prosecution of this action, punitive damages, and such other relief as a jury may award at trial.

Respectfully submitted, this 10th day of March, 2014.

BUTTIGIEG & ASSOCIATES, PC

/s/ *Dustin M. Buttigieg*

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